

Appendix L

Ron Holmes/USFWS



Deer and egrets

Finding of No Significant Impact

John Heinz National Wildlife Refuge at Tinicum Comprehensive Conservation Plan

In March 2012, the U.S. Fish and Wildlife Service (Service) published the John Heinz National Wildlife Refuge (NWR) at Tinicum Draft Comprehensive Conservation Plan and Environmental Assessment (CCP/EA). John Heinz NWR was established in 1972 to preserve and restore the natural area known as Tinicum Marsh, to promote environmental education, and to afford visitors an opportunity to study wildlife in its natural habitat. The total approved acquisition boundary encompasses 1,200 acres near the Delaware River in Pennsylvania. Currently, John Heinz NWR includes 993 acres of freshwater tidal marsh, open water, grassland, and forest habitats. It is an important migratory stopover for birds along the Atlantic Flyway, and provides habitat for State-listed threatened and endangered species such as the eastern redbelly turtle. The John Heinz NWR Draft CCP/EA outlines three alternatives for managing the refuge over the next 15 years. It carefully considers their direct, indirect, and cumulative impacts on the environment and their potential contribution to the mission of the National Wildlife Refuge System (Refuge System). The draft CCP/EA restates the refuge's purposes, creates a vision for the next 15 years, and proposes six goals to be achieved through plan implementation. Alternative B is identified as the Service-preferred alternative. Chapter 3 in the draft CCP/EA details the respective goals, objectives, and strategies for each of the three alternatives. Chapter 4 of the draft CCP/EA describes the consequences of implementing those actions under each alternative. The draft plan's appendixes provide additional information supporting the assessment and specific proposals in alternative B. A brief overview of each alternative follows:

Alternative A (Current Management): The Council on Environmental Quality regulations on implementing the National Environmental Policy Act (NEPA) require a “no action” alternative, which we define as “continuing current management.” This alternative describes our existing management priorities and activities, and serves as a baseline for comparing and contrasting alternatives B and C. It would maintain our present levels of approved refuge staffing and current biological and visitor programs. We would continue to focus on providing native tidal marsh habitat for migrating and nesting wading birds; wintering marshbirds, waterfowl, and shorebirds; and other wildlife. We would also continue to actively control invasive species, manage grassland habitats, and maintain dikes and water levels in the impoundment. Our environmental education program would continue to focus on providing training for teachers so they could guide field trips on refuge property.

Alternative B (Service-preferred Alternative): This alternative combines the actions we believe would most effectively achieve refuge purposes, vision, and goals, and respond to public issues. Under alternative B, we would expand our freshwater tidal marsh restoration efforts, implement additional forest habitat restoration and management efforts, and increase monitoring efforts for species and for climate change effects. Our environmental education program would focus on expanding staff-led and volunteer-led programs for urban youth. We would also develop environmental education programs that focus on this audience, and work to develop long-term relationships with schools and school districts. We would work to expand environmental interpretation opportunities and infrastructure on the refuge as well.

Alternative C (Delayed Restoration and Focus on Regional Role of Refuge): Alternative C would focus on restoring degraded forests and converting specific grassland areas to shrubland habitat. As in alternative B, we would emphasize invasive species management, freshwater tidal marsh restoration, and monitoring for climate change adaptation. However, under alternative C, we would delay much of these efforts to more fully assess the potential effects of climate change. We would also explore restoring all of the impoundment to tidal marsh. Under alternative C, environmental educational programming would concentrate on providing high school and college-level programs focused on encouraging and training the next generation of conservation professionals and environmentally concerned citizens. We would also focus on playing a more regional role in conservation efforts.

We distributed the draft CCP/EA for a 30-day period of public review and comment from March 22 to April 23, 2012. We received 17 letters, calls, or emails representing individuals, organizations, and State agencies and had approximately 17 people attend two public meetings held on April 10, 2012. Appendix K in the final CCP includes a summary of those comments and our responses to them.

After reviewing the proposed management actions, and considering all substantive public comments and our responses to them, we have determined that the analysis in the EA is sufficient to support our findings. We are selecting alternative B, as presented in the draft CCP/EA with the following changes recommended by the planning team, to implement as the final CCP. Changes we made in the final CCP include the following:

- We highlighted that we will be working closely with the Philadelphia International Airport to assess any wildlife hazards prior to implementing any wetland restoration under objective 1.1 in chapter 4.
- We incorporated updated information on species provided by the Pennsylvania Fish and Boat Commission into section 3.3 of chapter 3 and section 2.5 of appendix C.
- We added the following strategy to objective 2.1 in chapter 4: “Work with partners to identify and obtain resources to replace the water control system in the impoundment.”
- We corrected all format and typographical errors that were brought to our attention.

We conclude that alternative B, with the above changes, in comparison to the other two alternatives will: (1) best fulfill the mission of the Refuge System; (2) best achieve the refuge’s purpose, vision, and goals; (3) best maintain and, where appropriate, restore the refuge’s ecological integrity; (4) best address the major issues identified during the planning process; and (5) be most consistent with the principles of sound fish and wildlife management. Specifically, in comparison to the other two alternatives, alternative B provides the biggest increase in the diversity, integrity, and health of high quality habitats through enhanced habitat management. It also provides the most reasonable and effective improvements to existing public use programs that are in demand, with minimal impacts to wildlife and habitats. The plans to increase staffing and improve and expand infrastructure are reasonable, feasible, and will result in the most efficient management of the refuge and best serve the American public. This Finding of No Significant Impact (FONSI) includes the EA by reference.

We have reviewed the predicted beneficial and adverse impacts with alternative B that are presented in chapter 4 of the draft CCP/EA, and compared them to the other alternatives. We specifically reviewed the context and intensity of those predicted impacts over the short- and long-term, and considered the cumulative effects. The review of each of the NEPA factors to assess whether there will be significant environmental effects is summarized here (40 C.F.R. 1508.27).

(1) Beneficial and adverse effects—We expect the final CCP (alternative B) management actions to benefit both the wildlife and habitats at John Heinz NWR. Important examples include the measures to reduce deer browse damage to trees and shrubs, control nonnative invasive species, maintain and restore important native tidal marsh to provide foraging habitat for colonial-breeding wading birds at Pea Patch Island, and manage a variety of other habitats on the refuge to benefit breeding and migrating songbirds, waterfowl, and raptors, as well as amphibians, reptiles, and mammals of conservation concern. Except for potentially restoring some of the impoundment to tidal marsh, benefits will not result from any major change in management strategy; rather, they will be incremental to the effects of the current management. As stated in the draft CCP/EA, we will complete additional NEPA compliance before implementing any restoration of the impoundment. Therefore, we do not anticipate any significant beneficial or adverse effect on the human environment.

(2) Public health and safety—We expect the good safety record of the refuge to continue based on the protective actions provided in the stipulations of the compatibility determination for each of the authorized public uses on the refuge. There should be no significant impact on public health and safety from the implementation of the CCP.

(3) Unique characteristics of the area—The primary, unique characteristic of John Heinz NWR is its freshwater tidal marsh in proximity to urban Philadelphia. We expect the preservation and restoration measures in the CCP, such as increased control of nonnative invasive species, to benefit these wetlands for which the refuge was created, and to benefit the surrounding habitats. As in (1), the benefits will be incremental to the effects of the ongoing management measures originally instituted to protect these resources. Thus, we do not expect these incremental benefits to result in a significant impact on the human environment.

(4) Highly controversial effects—The management actions in the final CCP such as invasive species control, habitat restoration, deer control, and wildlife-dependent recreational uses are time-tested measures. Their effects on the refuge are widely known from past management and monitoring. There is no scientific controversy over what these effects will be. Thus, there is little risk of any unexpectedly significant effects on the environment.

(5) Highly uncertain effects or unknown risks—The management actions in the final CCP are evolutionary. They are mostly refinements of the existing management measures that we have used for many years. We will implement a comprehensive monitoring program to reassess the effectiveness of each planned improvement. With the data available on the current management results and the system in place to adjust for any unplanned effect, we do not find a high degree of uncertainty or unknown risk that the CCP will cause any significant impact on the environment.

(6) Precedent for future actions with significant effects—The purpose of the CCP is to establish the precedent for managing the refuge for up to 15 years. The effects of that management are designed as gradual improvements over the existing conditions, not global changes. For example, strategies such as expanding environmental education and improving tidal marsh will be completed over several years. Therefore, we do not expect this precedent to cause any significant impact on the environment.

(7) Cumulatively significant impacts—The CCP provides the programmatic, long-term management plan for the refuge. We plan to coordinate with surrounding land managers to promote common goals such as managing wildlife, habitat, and public use to minimize potential conflicts. Our management jurisdiction is limited, however, to the refuge lands, and we do not foresee any of the coordinated activities rising to the level of a significant effect on the environment. Within the term of the CCP, we intend to pursue additional projects such as constructing a boardwalk, additional trails, and expanding the refuge administrative offices. We will examine the cumulative effects of all projects under the CCP before they are approved, and we will conduct whatever level of additional NEPA review is warranted.

(8) Effects on scientific, cultural, or historical resources—Evaluation of archaeological resources presented in the draft CCP/EA showed no significant impacts on these resources from the planned management activities. Service archaeologists in the Northeast Regional Office keep an inventory of known sites and structures, and ensure that we consider them in planning new ground-disturbing or structure-altering changes to the refuge. Throughout the implementation of the CCP, we will continue to consult with the Pennsylvania Historical and Museum Commission on any ground disturbing activities (e.g., expanding administrative offices) and other projects that might affect cultural resources.

(9) Effects on Endangered Species Act (ESA)-listed species and habitats—As detailed in the CCP, we have contacted the Service's Pennsylvania Ecological Services Field Office under Section 7 of the ESA. No ESA-listed species are expected to occur on the refuge. The CCP also protects the delisted bald eagle. Our management actions are designed to preserve and improve the existing habitat for this species and there is no ESA-designated, critical habitat on the refuge. The American eel is currently being evaluated to see if it warrants listing as a candidate species under the ESA. We will consult with appropriate Ecological Services staff on American eel or other species if warranted. Therefore, we do not anticipate any significant effects on these ESA resources.

(10) Threat of violating any environmental law—Our habitat management actions are designed to benefit the environment. They will comply with all applicable protections such as the Clean Water Act and the Clean Air Act. Pursuant to the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd(e)(3), 668dd(m)). Our public fishing program under the CCP requires all participants to